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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,181	04/26/2001	Yoshiyuki Mochizuki	2001_0501A	7249

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WENDEROTH, LIND & PONACK, L.L.P.  
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SUITE 800  
WASHINGTON, DC 20006-1021

EXAMINER
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SHERR, CRISTINA O

ART UNIT	PAPER NUMBER
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3621

MAIL DATE	DELIVERY MODE
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05/03/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

09/842,181

Applicant(s)

MOCHIZUKI, YOSHIYUKI

Examiner

Cristina Owen Sherr

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 February 2007.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 17-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration:
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### **DETAILED ACTION**

1. This communication is in response to applicant's amendment filed February 12, 2007. Claims 17-21 are currently pending in this case. Claim 17 has been amended.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 12, 2007 has been entered.

#### ***Response to Arguments***

3. Applicant's arguments with respect to claims 17-21, as currently amended, have been considered but are moot in view of the new ground(s) of rejection.

#### ***Response to Arguments***

4. Applicant's arguments with respect to claims 17-21, as amended, have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schreder (US 5,504,482) in view of Naito et al (US 6,628,417).

7. Regarding claim 17 –

Schreder discloses an interactive navigation system comprising a mobile apparatus and a server, wherein said mobile apparatus comprises:

an input unit operable to input user input information indicating at least a destination (e.g. col 8 ln 14-16 “entry device”);

a first transmitter unit operable to transmit the user input information to said server (e.g. col 8 ln 4-10);

a storage unit operable to store map data into a storage medium (e.g. col 8 ln 10-12);

a route guidance unit operable to, upon input of the destination via said input unit determine whether route guidance can be performed by using the map data stored in the storage medium of said storage unit (e.g. col 10 ln 10-15); and

a notification unit operable to notify a user of a storage time point of the stored map data (e.g. col 11 ln 15-20);

wherein said notification unit is operable to notify the user that the map data stored in the storage medium can be used for the route guidance, and notify the user of the date when said route guidance unit determines that the route guidance can be performed (e.g. col 10 ln 15-20);

wherein said first transmitter unit is operable to transmit the user input information to said server when at least one of said route guidance unit determines that the route guidance cannot be performed and the user provides

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an instruction to perform a new route guidance in response to said notification unit notifying the user of the date on which the map data was stored onto the storage medium (e.g. col 10 –5-10); and

wherein said server comprises:

a map data storage unit operable to store the map data (e.g. col 8 ln 50-55);

a first receiver unit operable to receive the user input information transmitted by said first transmitter unit (e.g. col 8 ln 5-10);

a route search unit operable to search for a route based on the user input information received by said first receiver unit and the map data stored in said map data storage unit (e.g. col 10 ln 15-20);

a map data selector unit operable to select, from among the map data stored in said map data storage unit, only map data including the route found by said route search unit(e.g. col 10 ln 18-22); and

a second transmitter unit operable to transmit, to said mobile apparatus, the route found by said route search unit and the map data selected by said map data selector unit (e.g. col 12 ln 50-55).

8. Schreder does not disclose notifying the user of the storage date of the map data on the CD. Naito, however, does at, e.g., fig. 33 or col 39, ln 53-62. Also, Schreder does not disclose going to a remote server for map and route planning data.

9. It would be obvious to one of ordinary skill in the art to combine the teachings of Naito and Schreder as dates as a measure of usefulness are well known in the field. Further, the going back to locally stored data when possible,

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rather going to a remote server is more economical. It would be obvious to one of ordinary skill in the art to combine Naito and Schreder for greater economy coupled with the availability, when necessary of a larger central resource.

10. Claims 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schreder (US 5,504,482), in view of Naito et al (US 6,628,417) further in view of Hoshino et al (US 6,088,580).

11. Regarding claims 18-21-

Schreder does not disclose the billing, and price functions in the instant invention. Hoshino, however, does. Hoshino discloses "(a)n automatic toll adjusting system enables a user to voluntarily select a toll payment system with use of a storage medium carried by each user and storing adjustment information necessary for toll adjusting therein. Information is exchanged with the storage medium in radio communication at a first predetermined frequency at a toll-adjusting gate employing a first toll payment system to automatically adjust a toll in the first toll payment system. At a toll-adjusting gate employing a second toll payment system, information is exchanged with the storage medium in radio communication at a second predetermined frequency to automatically adjust a toll in the second toll payment system. This system is applicable to a system for automatically adjusting a fee or charge such as a toll for a toll road." (abstract).

12. Although Hoshino's billing is done in the context of tolls, it would be obvious to one of ordinary skill in the art to adapt to Hoshino for use in any type of billing to be done with respect to a moving vehicle, this motivated by people wanting to be paid for their services.

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13. Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may be applied as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention as well as the context of the passage as taught by the prior art or disclosed by the examiner.

***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

15. Chigumira et al (US 6,088,636) disclose a vehicle trip data computer.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cristina Owen Sherr whose telephone number is 571- 272-6711. The examiner can normally be reached on 8:30-5:00 Monday through Friday.

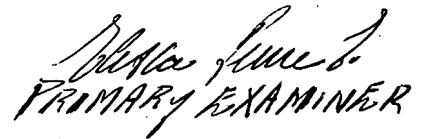
17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew J. Fischer can be reached on 571-272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Cristina Owen Sherr  
Patent Examiner, Au 3621

  
PRIMARY EXAMINER